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Transcript of Public Hearing - Holdridge Road

Date: October 14, 2021

Case: Public Hearing/Montgomery County Department of Transportation

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PUBLIC HEARING/MONTGOMERY COUNTY DEPARTMENT OF
TRANSPORTATION

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IN RE: :
MCDOT PUBLIC VIRTUAL HEARING ABOUT :
PROPOSED ABANDONMENT OF RIGHT-OF-WAY :
ON HOLDRIDGE ROAD IN SILVER SPRING :
-----x

PUBLIC VIRTUAL HEARING
Thursday, October 14, 2021
1:38 p.m. EST

Job No.: 406490
Pages: 1 - 44
Transcribed by: Diana Maria Corrado

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A P P E A R A N C E S

MICHAEL PAYLOR, Department of Transportation
Montgomery County

TIARA MCCRAY, Department of Transportation Montgomery
County

LARRY LIU, Petitioner

SIMON SUN, Petitioner

YOUNCHUN WANG, Petitioner

NICOLE MARVILLE, Local Resident

ALSO PRESENT: ROBERT BIRENBAUM, MONTGOMERY COUNTY

Transcript of Public Hearing - Holdridge Road
Conducted on October 14, 2021

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Transcript of Public Hearing - Holdridge Road
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1 (Proceedings begin at 1:38 p.m.)

2 MR. PAYLOR: Greetings, and good
3 afternoon to all of you. It's now about 1:40 on
4 October 14, 2021. We are conducting this hearing
5 virtually via Zoom. And we are here for a public
6 hearing on Abandonment Petition AB776 to consider an
7 application received from Ming Sun and Yunchun Wang
8 to abandon a portion of right-of-way located off
9 Holdridge Road in Silver Spring.

10 My name is Michael Paylor, and I am the
11 county executive's designated hearing officer with the
12 County's Department of Transportation. This
13 right-of-way abandonment hearing is being conducted
14 pursuant to Section 49-62(f) of the Montgomery County
15 Code. My role in the abandonment process is to
16 receive testimony concerning the abandonment request
17 and then write a report and recommendation to the
18 county executive concerning the Applicant's petition
19 for abandonment.

20 In order to do this, I will consider
21 statements made during this hearing, written comments
22 received within the comment period -- and by the way,
23 comments will be accepted until October 28, 2021, at
24 5:00 p.m., and documents submitted to Ms. Tiara McCray
25 to support or explain a position on this abandonment

1 case.

2 My report and recommendation will then
3 be forwarded to the county executive for
4 consideration, and the county executive will then
5 forward the report and the county executive's
6 recommendation to the county council. It is the
7 county council that will decide whether to grant or
8 deny the Applicant's -- excuse me -- petition for
9 abandonment.

10 For those who wish to submit written
11 comments, please submit them to Ms. Tiara McCray at
12 the Montgomery County Department of Transportation,
13 100 Edison Park Drive, 4th Floor, Gaithersburg,
14 Maryland 20878, or e-mail them to
15 tiara.mccray@montgomerycountymd.gov by October 28,
16 2021.

17 There are a few ground rules that we
18 must cover before Ms. McCray introduces the
19 abandonment petition in the record. First, please
20 turn off or silence your cell phones. Second, as an
21 issue of decorum, all participations must be given due
22 consideration. Those seeking to offer comment
23 following the close of the Petitioner's case for
24 abandonment are asked to be mindful of the time and
25 limit their comments to relevant matters -- matters,

1 excuse me.

2 Such comments should be confined to less
3 than three minutes, and if an interruption occurs, I
4 will give that individual their first warning. If
5 there is a second interruption, I will give the
6 individual a second warning, and they will be muted.
7 If that individual receives a third warning, the
8 person will be removed from the call. And if there
9 are several people making interruptions, I may close
10 the hearing.

11 Following Ms. McCray's introduction, the
12 Applicant will submit its case for why it believes the
13 right-of-way should be abandoned. After the Applicant
14 has completed its case, those who have registered to
15 speak will be afforded the opportunity to make
16 relevant comments.

17 Ms. McCray?

18 MS. MCCRAY: Thank you, Mr. Paylor.
19 Good afternoon, everyone. My name is Tiara McCray,
20 and I'm a real estate specialist with the property
21 acquisition section for Montgomery County Department
22 of Transportation. My section is responsible for
23 administering requests for the abandonment of public
24 rights of way.

25 As Mr. Paylor noted earlier, this

1 process is governed by Montgomery County Code, Article
2 49, Section 6, and the county code details the county
3 council's authority to abandon a public right-of-way
4 if it finds that, One, the right-of-way is no longer
5 needed for public use or anticipated future public
6 use, or two, the abandonment is necessary to protect
7 the health, safety, and welfare of the residents near
8 the right-of-way to be abandoned.

9 The subject of this case is a portion of
10 right-of-way located off of Holdridge Road. The
11 right-of-way was originally dedicated to public use
12 via subdivision plat number 533, filed February 19,
13 1935. The right-of-way also appears in subsequent
14 subdivision plat numbers 2376 and 2378 in August and
15 September of 1949. To date, the subject portion of
16 the right-of-way has not been improved for vehicular
17 or pedestrian use; however, the right-of-way has been
18 improved with the public storm drain.

19 As noted in their petition, the
20 Applicants request the abandonment of the right-of-way
21 due to the right-of-way being poorly maintained,
22 negatively impacting the neighborhood, and being
23 utilized as a dumping ground. As they aim to
24 represent in their presentation, they also argue that
25 there is no longer a current need or public use or an

1 anticipated future public use for this portion of
2 right-of-way.

3 The Applicants are the owners of two
4 lots that adjoin the right-of-way at 2501 Holdridge
5 Road and 2505 Holdridge Road and seek to -- see the
6 abandonment collectively to incorporate an equal
7 portion of the right-of-way into their property. As a
8 part of our administrative process, we have provided
9 the requisite notices to other public agencies,
10 abutting property owners, public utility companies,
11 and the public at large.

12 During this process, we have collected a
13 number of exhibits that I will now introduce into the
14 hearing record. Just let me know when you can see my
15 screen. Can everyone see the screen? Okay. Great.

16 Exhibit A is the abandonment petition
17 received by the Applicants to include plat number 2378
18 and plat number 533, as well as an aerial of the
19 abandonment area. Exhibit B is subdivision plat 533.
20 Exhibit C, subdivision plat 2376. Exhibit D is the
21 Montgomery County Department of Transportation
22 calendar invitation -- or invite submission for the
23 abandonment -- the public hearing.

24 Exhibit -- excuse me, Exhibit E is the
25 general public hearing notice that was submitted to

1 all adjoining property owners and homeowner and
2 community associations via certified mail. Exhibit F
3 is the public hearing notice that was submitted to
4 WMATA via e-mail and their confirmation receipt of
5 that notice. Exhibit G is the public advertisement
6 spreadsheet detailing all individuals or parties that
7 had received the public hearing notice either via mail
8 or e-mail. Page 2 of that spreadsheet.

9 Exhibit H are the certified mail
10 receipts. Exhibit I is a copy of the public hearing
11 notice that was submitted via e-mail to the
12 homeowner's association and community associations
13 within a 10 to 15-mile radius of the subject property.
14 Exhibit J is a list of the HOA and community
15 association contact list. Those that are highlighted
16 in yellow received notice via mail. All other
17 associations received their -- or received a notice
18 via e-mail.

19 Exhibit K is the Washington Times ad
20 that ran for the notice for public hearing. Exhibit L
21 is the press release that was submitted advertising
22 the public hearing in the abandonment location.
23 Exhibit M is a picture of the sign that was posted in
24 the right-of-way to advertise the public hearing.
25 Exhibit N is the comment solicitation and public

1 hearing notice that was submitted to public agencies.

2 Exhibit O is that same notice that was
3 submitted to public utility companies. Exhibit P is a
4 copy of the Montgomery County Planning Board staff
5 comment that was received on the abandonment petition
6 objecting the petition that would abandon a future
7 pedestrian connection at this location.

8 The planning staff determined that a
9 future pedestrian connection between Holdridge Road
10 and the adjacent WMATA property could increase
11 pedestrian and bicycle connectivity between the
12 residential neighborhoods and points east of the
13 right-of-way. They also note in their opinion that
14 the Applicant has not demonstrated in their petition a
15 -- that it is necessary to protect the health, safety,
16 and welfare of the neighborhood in their petition.

17 Exhibit Q is a copy of the Glenmont
18 Transit Impact Sector Plan, 1997, which is mentioned
19 in planning board staff's comment. Exhibit R is a
20 copy of the 2013 Glenmont Sector Plan, which is also
21 mentioned in planning board -- in the planning board's
22 comments. Exhibit S is a copy of the Montgomery
23 County Department of permitting services, division of
24 land development commons, objecting the petition for a
25 list of reasons.

1 That being that the presence of the 24-
2 inch storm drainpipe within the subject right-of-way.
3 All that -- they have also noted here that all of the
4 property would go to the owner of outlot B as shown,
5 and plat 2376, as the right-of-way was dedicated by
6 that particular adjacent owner, and would -- or excuse
7 me, and subsequently was replatted at lot 17 and
8 outlot B as shown in plat number 2376.

9 They note that there is a presence of a
10 concrete flume within the area of the right-of-way for
11 drainage from the unimproved right-of-way to the
12 street. Also, that there is a revokable agreement
13 with WMATA and the County for the storm drain outfall
14 in that right-of-way area, and then a declaration of
15 covenants reported at liber 4622 folio 140 for the
16 storm drain outfall. And then, the right-of-way leads
17 to the metro Glenmont parking garage so that it might
18 be needed for future access if improvements are made.

19 Exhibit T is an area map of the storm
20 drain and the reinforced concrete pipe that the
21 Department of Permitting Services mentions in their
22 comment. Exhibit U is a copy of the storm drain
23 declaration of covenants that is mentioned in DPS'
24 comment. Exhibit V is a copy of the Montgomery County
25 Department of Permitting Service for the fire

1 department access and water supply, identifying that
2 they have no objection to the abandonment petition.

3 Finally is Exhibit W, which is the
4 Applicant's PowerPoint presentation in which they will
5 show for you now. I'll turn it back over to you,
6 Michael.

7 MR. PAYLOR: Oh. Thank you, Tiara. At
8 this time, we'll hear the Petitioner's case for
9 abandonment.

10 MR. LIU: My turn?

11 MR. PAYLOR: Yes, sir.

12 MR. LIU: Okay. Can you see this?

13 MR. PAYLOR: It --

14 MS. MARVILLE: Yes, I can see it.

15 MR. LIU: Okay. But I cannot see you.

16 MS. MARVILLE: I am currently in a car,
17 sorry.

18 MS. MCCRAY: Oh, no worries at all.
19 Larry, I cannot see your screen just yet. If you
20 could select share screen, and then pick the screen
21 that you'd like to share.

22 MR. LIU: Okay. Share screen. Where's
23 share screen?

24 MS. MCCRAY: At the bottom of your
25 screen.

1 MR. LIU: Share screen.

2 THE COURT REPORTER: Also, can I get the
3 name of Nicole, who just joined?

4 MS. MCCRAY: Yes, I have her name here.

5 MS. MARVILLE: Nicole Marville.

6 MS. MCCRAY: Thank you, Nicole.

7 MR. LIU: Can you see the shared screen?

8 MS. MCCRAY: Yes, sir. We can see your
9 screen.

10 MR. LIU: You can see it? Okay. That's
11 wonderful. How do I make it bigger? Okay. Now make
12 it bigger. Can you see it?

13 MR. PAYLOR: Looks good.

14 MR. LIU: Good. Okay. My name is Larry
15 Liu, last name here. My Chinese name I don't know how
16 you pronounce. Larry Liu, that's my American name.
17 So today, I'm going to represent the two families and
18 the four members to talk about the application for
19 abandonment of the public right-of-way.

20 So first, let me give you a little bit
21 of a background information that you were already
22 provided, but let me repeat a little bit. So this is
23 a map area of the claimant -- it's called the claimant
24 area. And this plat, this is a metro area. The metro
25 station is right here. The right-of-way is from

1 Holdridge all the way to the property of the metro.
2 This is a right-of-way. There's a 30-inch wide. I
3 don't know how long it is, but this is a right-of-way
4 marked here.

5 Okay. So this right-of-way is bordered
6 by two properties. One is 12505 Holdridge Road, owned
7 by Simon, who is here, and his wife. And on the right
8 side is 12501. That's the lot. This is the shape of
9 the lot. Owned by my wife, Yunchun, and myself. All
10 of us Chinese. So today, I represent two families
11 that jointly -- to talk about the application for the
12 abandonment of the right-of-way. So this is the
13 background -- a little bit of background information.

14 To make it short, let's go directly to
15 the problems, okay? This right-of-way maybe already
16 did something good, but what we observed, a lot of
17 problems here. So this -- actually, the right-of-way
18 was a paper screed. It was a screed plan that -- 80
19 years ago -- 85, 86 years ago, but the screed was
20 never built. I don't know what the reason why it was
21 never build because the plat or the plan changed
22 several times. But whatever changes you made, but
23 never build the screed.

24 The reason the communication with the
25 parliament of transportation indicated that there's no

1 plan at this time or in the foreseeable future to
2 construct the road in the public right-of-way, which
3 means that -- so the status quo will continue for -- I
4 don't know for how long, okay? So actually, the
5 right-of-way -- the public right-of-way has been a
6 community hazard. Now, I will show you in the picture
7 the wild bushes, the trashes. The trashes of the
8 bottles, the beer bottles, mineral water bottles,
9 plastic bags.

10 So when I get -- when I bought the
11 property on the right side of the public right-of-way,
12 I hired somebody and got ten bags of trashes from the
13 public right-of-way. So I didn't complain any time.
14 I never complain, but I hired somebody to clear that
15 because I'm going to build something on my lot. Now
16 they have trees, mice, abandoned animals. Animals
17 like that, you know, because they hide inside. They
18 drink the water. There are some (indiscernible)
19 waters.

20 And the mosquitos -- because of the
21 water, there are a lot of mosquitos. I cannot take
22 picture of the mosquitos, but I feel the bite, okay?
23 The bees. When I do my work on the right side of the
24 lot, three of us was bitten by the bees. They chase
25 you and bite you, okay? Me and Simon, we were too

1 with them, so we have another got the bite. And it's
2 painful. We survived, but it is painful.

3 The right-of-way and also the
4 right-of-way road diagonally cut the area is two angle
5 lots. It's very difficult to build anything on it,
6 okay? I think the right-of-way also now become a
7 burden of the county if you maintain it. And it think
8 the county never maintain it. I maintain the part of
9 it, but I cannot maintain all of that. I cannot
10 maintain all side.

11 If, as a neighbor -- if both neighbor
12 complain about the county, the county come here to
13 maintain to the community standard, it cost you a lot
14 of money. Cost the county a lot of money. That's
15 taxpayers' money. That's actually a financial burden
16 to the county. So at this point, if we find a
17 solution for this property or for this problems so
18 that it will benefit the community, benefit the owners
19 of the two lot, which means Simon and me, the two
20 familiars, and also the county government as well.

21 Now, let's move forward. This is a
22 picture, you see. This is part of the right-of-way if
23 you look vertically. This is the flume you talk
24 about. This is the flume. Can you see my cursor?
25 Okay. So this is the flume. There's a concrete

1 opening.

2 This is at the beginning -- on the right
3 side is the beginning of the right-of-way. I took a
4 picture. Now, let me show you something worse. Okay.
5 This is a public right-of-way. You see the trap the
6 water. You see the grass never cut. You see the
7 bushes. A very big tree. I don't know; I try to take
8 picture. It looks like a very small tree. It's a
9 very, very big tree.

10 I feel on my property when I do
11 something, I maintain my property because I scared
12 about the county giving me notice and saying, your job
13 is -- your lot is not clean. I have to clean my yard.
14 But the county's tree falling in my yard, I have to
15 cut it. I have to transplant it to the concrete down
16 the sides, spend money. Okay. This, again, is to
17 trap the water. You know, trap the water, the animals
18 or the mosquitos or bees like that. We don't like
19 that. The concrete doesn't like that, so the neighbor
20 don't like that.

21 Again, falling trees, falling trees and
22 the grass everywhere. It's like a natural -- it's
23 like natural pond. Yeah. Some people like natural,
24 but this is a community. We like living neighborhoods
25 and not natural parks. But also, you see the grass on

1 the right and also on the left side, you see there are
2 some place even there is no grass cover. So that's
3 below the stormwater maintenance standard.

4 I know if my grass is taller than one
5 foot, I will get a ticket, get a citation from the
6 county. I don't know if the county sends citation to
7 the county yourselves and bring yourself to the court,
8 but I never bring you to the courts because I know you
9 are my government. I love you so much, okay?

10 Furthermore, some of this -- some of the
11 pictures, you see the trashes. So we had more of
12 this. We got ten bags of trash out over the years.
13 Nobody cleaned. When I bought my property on the
14 right about -- I guess, four years ago, Mr. Larry
15 helped me clean the public right-of-way
16 (indiscernible) for that. It's a disaster.

17 So the story I'm not (indiscernible); we
18 have more of that. Actually, you see the drain -- the
19 natural drain from here. This is a natural drain.
20 The yellow one, that's natural drain. There's a
21 flume. So the water -- the natural water should go
22 through here. But, in fact, the water doesn't go
23 there.

24 So the water leak right through here,
25 shortcut. It breakthrough coming here and wash

1 Simon's lot to the middle, and then is splayed to this
2 way, merge to the right-of-way natural drain, right to
3 he -- and then goes to the flume. And there is a lot
4 of branch that get washed all the way against this
5 house. This house, fortunately, is my house. I never
6 complain about it. I ask Simon to build a dam here;
7 don't let water to go there. I did build a dam, but
8 still, it doesn't work, okay?

9 So let me show the photo here. So this
10 is the shortcut breaks through. It's a trench, and
11 there is still water now. I just took this picture
12 about five days ago. So it washed through here, and
13 they make the turn, and they merge to the public
14 right-of-way. I think another branch, another wash my
15 -- this is my driveway. This is a car. You see the
16 mud. You see the water wash. Twice over the last
17 five years, my basement was flooded. Twice. Yes.
18 But not this year. Not this year. A year before this
19 year and another year about three years ago, okay?

20 So this -- you know, if the lot is yours
21 is terrible, so I'm presenting this to abandon it's
22 not only the two families want to grab the public
23 right-of-way over the county, but it's really, really
24 a disaster, okay? So I said a solution for this
25 problem would be great. So what other option or

1 alternative solutions. We have two optional
2 solutions.

3 One is, of course, you build at that end
4 of the street as planned. You build a street. If you
5 build a street, you know, about 30 feet wide, go all
6 the way to the -- towards the metro, it solve all the
7 problem. It solve all the problem because -- so no
8 more disaster, no more falling trees. And also, you
9 provide access, provide opening for the two properties
10 to build houses because we can make it happen, we can
11 make our exit towards the -- your newly built --
12 constructed street.

13 So -- and also, if you really build a
14 street, it would be great because your street will
15 provide as a public -- the private parking lot for my
16 two families. Me and Simon divide your public street,
17 so we can park over there free. That's great. So
18 they -- I don't think you would like to do that. But
19 second -- but if you do to plat, that's very great.

20 The second is abandon the public right-
21 of-way and let Simon and Larry take care of it. So I
22 will take care of the well, no more trash, no more
23 trapped waters, no more mosquitos, and dead trees and
24 dead animals, okay? So also, if we abandon it, it
25 also solves the -- all the problems. So the problem I

1 listed before, it can solve all the problems.

2 But it does have some obstacles to
3 overcome. It does have some problem. Again, per
4 those prior obstacles. So what are they? Okay. Let
5 me talk about them each, then talk about also the
6 solution and possible strategies to overcome this
7 hurdles on the obstacles.

8 Number one is stormwater drain. So
9 there has been a stormwater drain. This is a pipe
10 from here. There's an opening. Then all the way
11 here, the gray line. So there it was, a tiny 24-inch
12 copper pipe buried underneath. And here is the
13 manhole that come out, linked to other pipe. Okay.
14 There is a pipe over here.

15 So fortunately the pipe is just between
16 the two lot. If we divide them into two, it doesn't
17 affect our constructions. It doesn't affect the --
18 Simon and me build the two house, okay? So the
19 strategy would be that we just cave it. We just cave
20 it. We maintain it. We can sign an easement to the
21 county or to the metro. I don't know who owns this
22 pipe. We maintain it well. We maintain it not only
23 well, we maintain it better. So make it happen. The
24 first, okay? The stormwater drainpipe.

25 But the second is the concrete flume, as

1 I showed you in the first picture, okay? It's just a
2 concrete opening; that's very easy to do. So what --
3 the (indiscernible) we just drag this one, the flume,
4 all the way a little bit towards here so it doesn't
5 affect the water flow, but it change a little bit of
6 the direction about 15-degree -- 15-degree from here.
7 So we make the water continue to run as it is, so no
8 effect, okay? We are waiting to accommodate or
9 waiting to do that.

10 The third is the agreement between the
11 county and the metro. We read the agreement. For us,
12 it very easy. We can make the same agreement with the
13 county, with the metro. So all you agree, and we
14 agree, so we keep it open. So that's not a problem,
15 okay? So the first one, I think that's a major one,
16 is the future of pedestrian connection. I call it the
17 future walkway to the metro. Yeah, the walkway, you
18 can ride a bicycle, but not your car.

19 Okay. Let's see the next slide. I'll
20 maximize. So we'll build a walkway to the metro. So
21 that's actually -- there's no plan yet. There's no
22 plan. People now provide some comments, which is very
23 nice comment. But the comments of this build a
24 walkway is an assumption. It is not a plan. It's not
25 a fact. It's not happening.

1 So one of my friend from PG County, he
2 worked over there and said, Oh Larry, I don't like PG
3 County. I like Montgomery County. Why -- I said, Why
4 you like Montgomery County? He said I want to apply a
5 job in Montgomery County. I said, Why? He said,
6 Montgomery County make decision based on fact, and the
7 PG County makes decision based on assumptions. I
8 said, Well, you know, that's -- so -- anyways, this is
9 an assumption, okay?

10 So assumption to build a connection,
11 build a road from here to here, okay, to here, to
12 connect so that you can walk from here or ride
13 bicycles to here. That's a long way, right? So if
14 you do that from here to here, that's going to get
15 long way. I measure it. It's 500 feet, okay? Not
16 only 500 feet; you need to cross -- you see here?
17 That's a pond.

18 The pond capture all the draining water
19 sending it to different directions. The pond keep the
20 -- the pond depth is eight feet. It's more than eight
21 feet. So you need to start from here. You need to
22 build a bridge go all way here. And the very small
23 bridge is going to be another factor -- another risk
24 or factor because you cannot make a small bridge. You
25 have to make a very big bridge for people to walk on

1 it. If a small bridge, there's a risk factor.

2 Not only that, these -- this track, this
3 route is very muddy because this outfall. That's the
4 green place. So that's one option you can make. You
5 can make a walkway from Holdridge all the way to the
6 metro. You can make it; of course, I don't think
7 county will do that.

8 Another choice; it's a better choice.
9 If you do like to make a walkway, there is wonderful,
10 wonderful positions from here. See the flat street
11 here? Flat street? So this is a public right-of-way.
12 That's a flat street. You make a walkway here. So
13 this way is only 50 feet, instead of 500 feet. This
14 is a no-flooding zone instead of flooding zone from
15 here to here.

16 So if you do like to make a right-of-way
17 -- a walkway, the best choice would be here, not on
18 this side. That's my opinion. I'm not a -- I'm an
19 engineer, but I'm not licensed to practice. I know
20 something about it. I know you will not build a
21 walkway here. You will -- if you do like to build a
22 walkway, it's going to be here.

23 Finally, if you really finally decide to
24 make a walkway through the Arenal (sic) public right-
25 of-way to the metro, I'm waiting to sign easement for

1 you to do that. It's not a problem. That's a very
2 short distance. The longer distance is in the metro
3 property, okay? So that's my opinion on this. I'm
4 not sure that's -- you feel it's good or bad, so it's
5 your argument, okay?

6 Now, let me talk about my plan. My
7 plan. Two neighbors discuss the plan, make sure we
8 can build our house, and make sure we can accommodate
9 the county's -- again, the -- I can tell you this.
10 Number one, with the right, this two lot with equal
11 width. You see, this -- the red line shows the Arenal
12 property. Those two lines. The blue line shows the
13 future plan.

14 If we acquire this public right-of-way,
15 we will divide the whole area into two part with equal
16 width from left to right. And then, we will build two
17 house. We will have this house as left as possible.
18 That's seven feet setback. We will make this house as
19 right as possible, seven feet. That's the maximum --
20 minimum required by the county.

21 So this house is going to be 30 by 50.
22 That's 30 feet wide. This house will be 49-and-a-half
23 feet wide. So if we do that, from this house on the
24 left to the right house on the right, the distance
25 from this two house will have 37-and-a-half feet.

1 That's a very large area, bigger than the Arenal
2 public right away.

3 So that area can host the Arenal; no
4 touch, no problem. We just move this natural drain,
5 and we move the flume to the right a little bit. Now,
6 alternatively, I move it to here. You see the purple
7 line? I move it to here. We will make it happen. We
8 will make it better. We will make it drain fluidly,
9 okay? Smoothly, okay? No more wash away.

10 If you want to build a public right-of-
11 way, it's no problem. You can build a right-of-way --
12 not a right-of-way, a walkway, no problem. You can
13 build it from here to here, but the walkway will not
14 end here. You have another 400 feet too long, so --
15 yeah. Okay. So that's the point.

16 So we relocate the drain flume. We keep
17 the Arenal pipe. If we build this two house, the
18 county will require some water management for new
19 constructions. We will do a total number of six dry
20 wells that pick up a lot of water from the land, from
21 the roof. So that will reduce the pressure of the
22 stormwater. That's another benefit.

23 So I'm not sure if the plan is clear.
24 Let me summarize. Divide this lot into two equal wave
25 lot, okay? We leave the stormwater drain; pipe drain

1 here. We move the flume to the right a little bit.
2 We leave about 37 inches -- 37 feet for the county, if
3 you do want to offer something, you can offer
4 something. If you don't do that, that mean that I can
5 do, you know, the water drain, I can manage that, and
6 it's my responsibility. I want to make this area
7 nice, okay?

8 So conclusions. So actually, you make
9 the conclusion, not me making the conclusion. But I
10 try to make some conclusion. So if the county really
11 finally approve, okay, so our plan -- our petition
12 will fulfill government agenda and a plan at a reduced
13 cost, okay? Now, second, it improve public and
14 community environment. No more trash, dead animals,
15 mosquitos, bees, all this -- trap the water -- dirty
16 water trapped over there.

17 And the third, it benefit the
18 neighborhood and the homeowner as well. So all good.
19 So good for the community, good for the county, good
20 for the neighbor, good for the owner. So good --
21 plats good equal what? Equals good.

22 MR. PAYLOR: Yeah.

23 MR. LIU: Okay. So thank you very much
24 for taking your time to listen our talk. So
25 questions?

1 MR. PAYLOR: So Mr. Liu -- and I guess,
2 for everyone on the call, is there any other, or are
3 there any other witnesses that would like to speak
4 regarding this case for abandonment?

5 MR. LIU: Another way for what?

6 MR. SUN: Yeah, my I add something -- a
7 comment?

8 MR. PAYLOR: Mr. Sun, yes, please.

9 MR. SUN: My name is (indiscernible),
10 everybody call me Simon.

11 MR. PAYLOR: Simon?

12 MR. SUN: Yeah. Very nice to meet you
13 online.

14 MR. PAYLOR: Thank you.

15 MR. SUN: Actually, we are eager to see
16 you and to talk to you because you represent our
17 government, you know, and we represent the
18 neighborhood. So a long time as a resident of the
19 right of road -- right-of-way, and also the
20 neighborhood of the community, we suffered a lot of
21 the right-of-way because like Larry's estimation,
22 there's so much --

23 MR. LIU: I'm just going to say, you
24 just suffer for one year. I suffer four.

25 MR. SUN: Yes. Actually, like Larry

1 mentioned, I tried to, you know, clean, but people say
2 it's a lot to clean. And to me, the government code
3 and requirement (indiscernible) and also, we pay a lot
4 of that. We even suffered. Like Larry mentioned, you
5 know, like a bee. Bee bite me twice when we tried to
6 clean and cut the wood on my lot because -- Larry just
7 show you a lot of tree --

8 MR. LIU: Falling tree.

9 MR. SUN: Falling tree. Just because
10 that's a picture taken on the -- in the wintertime.
11 So not a lot of bushes there, you can see. But when
12 we take care of the summertime, a lot of bushes and
13 trees there. Totally full over there, like a totally
14 wide park. So for 60 -- more than 80 more years as a
15 plan on the paper, so government maybe just so long
16 and they didn't do anything about it. And of course,
17 maybe cough a lot.

18 So I think it's time for government to
19 think about it and to do something for us at least.
20 So as a residential, we would have to cooperate with
21 the government to do something, do our best, to keep
22 our community and our lot, even our environment
23 better. That's it. Thank you.

24 MR. LIU: Real good attitude.

25 MR. PAYLOR: Thank you, Simon.

1 MS. MCCRAY: Michael, Nicole would like
2 to make a statement.

3 MR. PAYLOR: By all means. Thank you,
4 Tiara.

5 MS. MARVILLE: Hi. Sorry, my video is -
6 - I'm at home now. Let me see if I can start that.

7 I saw the sign walking in the
8 neighborhood. I do know of this property, the
9 right-of-way. Thank you, Larry, for the presentation.
10 It was very informative. I do have a few questions.
11 I don't know if Larry's allowed to answer them
12 specifically.

13 MR. LIU: Yeah, sure.

14 MS. MARVILLE: But my biggest thing is
15 as he was saying trapped water, and he was speaking of
16 the overgrowth, that is called wetlands. And we keep
17 taking them away in this county, and they provide lots
18 of environmental positives. I'm sorry, I'm suffering
19 from concussion, so my words may not come very easily.

20 My other question is, these are not your
21 primary residences, correct?

22 MR. LIU: This is not my primary
23 residence yet, but Simon will build a house. He's now
24 in a -- very close to Baltimore, and he want to move
25 in this area.

1 MS. MARVILLE: Okay.

2 MR. LIU: So his house will be built as
3 a primary residence. Not me.

4 MS. MARVILLE: Okay. And you already
5 own several houses in the neighborhood, correct?

6 MR. LIU: Yeah, that's correct.

7 MS. MARVILLE: And you just built that
8 one on Holdridge, correct?

9 MR. LIU: Yes.

10 MS. MARVILLE: Yeah, that is my
11 opposition is his new construction. It doesn't really
12 have much pertaining to the right-of-way. I don't
13 know how he's been able to get approval to build such
14 large houses. So I don't know if that pertains to the
15 right-of-way. I do think we need more access to the
16 metro. I don't know what engineering background you
17 have if it's civic engineering, but there are ways to
18 build that path.

19 And I say the more paths to the metro,
20 the better. We need to stop being a car-centered
21 Montgomery County, and we need to work towards being a
22 public transportation county.

23 MR. PAYLOR: Nicole, thank you so much
24 for sharing your insights on that. I appreciate it.

25 Larry?

1 MR. LIU: Do you want me to respond?

2 MR. PAYLOR: No, sir. But I would like
3 you to, if you don't mind, I'd appreciate it if you
4 would go to your first or second slide in your -- oh,
5 before I go there, I'll ask if there is anyone else
6 who would like to speak as a witness on this case
7 before I ask just a few questions? Okay.

8 You mention in your second bullet that
9 MCDOT indicated that there are no plans at this time
10 and in the future to construct a road in the right-of-
11 way. So I was curious as to what entity or office did
12 you speak to get that information, and maybe the other
13 part of that question is to Tiara, is there something
14 in the document review that reflects that question or
15 reflects that statement?

16 MR. LIU: I remember when we submitted
17 the application, we provide that as attachment. I
18 remember. I'm not sure now. I'm old; I cannot
19 remember. I do have the copy. I do have the copy
20 from Department of Transportation. So the statement
21 is exactly -- so the Department of Transportation,
22 there's no plan at this time and future to construct a
23 road using the public right-of-way. So can send the
24 copy to Tiara so -- for you to distribute.

25 MR. PAYLOR: Thank you, Larry. I had --

1 I'm sorry, Tiara?

2 MS. MCCRAY: I was going to say, at this
3 time, I don't have a statement directly from the
4 Department at this time, but I would assume that we
5 might receive something soon.

6 MR. LIU: Yeah, we'll talk to you.

7 MR. PAYLOR: Mr. Liu, the other question
8 that I had related to one of the photographs that you
9 showed regarding your property and what appeared to be
10 the after-effects of significant water intrusion, and
11 you mentioned that your basement had flooded several
12 times. And I had a question about whether or not you
13 had contacted the county to speak with them directly
14 about the incident and to seek to get some kind of
15 solution for yourself on that?

16 MR. LIU: Here's the thing. Number one,
17 this house -- I said it flooded the basement, right?

18 MR. SUN: Yeah.

19 MR. LIU: Okay. This house, there is no
20 basement. There is a crawl space. The water get into
21 the crawl space and leak in the crawl space. Twice,
22 we used the pump to pump the water out, okay? That's
23 number one.

24 Number two, at that time, we really
25 don't know where the water from. We -- what we really

1 know is the water is from my neighbor. They
2 complained my neighbor. I complained to my neighbor
3 several times about the water and also the trashes.
4 My neighbor, at the time, I don't know this is public
5 right-of-way. I said to my neighbor, I complain. My
6 neighbor is -- said a crew come here with a lot of
7 machine and did all the dumping stuff on the bricks,
8 the rocks, the (indiscernible) and trash is out.

9 And when Simon bought the lot on my
10 right -- on this right -- on the right side of this
11 house, I ask him to build a dam. You see the dirty
12 things? To prevent the water running into my
13 property, I dig. I digged three load of dirt come
14 here and spread and put grass seeds, but it's still
15 not a (indiscernible) -- water is maybe strong because
16 it's a new -- anyway.

17 This is a story. I never -- I own this
18 property for 15 years. I never complain to the county
19 anything. If you check the record, I never complain.
20 For the first ten years, actually, I never know that
21 is the public right-of-way. I complained to my
22 neighbor. My neighbor took action. Every time I
23 complain, my neighbor took action. The county officer
24 area inspector came. The officer meet me one time,
25 but he never told me there is a public right-of-way.

1 Actually, the root problem is not my
2 neighbor. The root problem is the public right-of-
3 way. Now I know. So now, I will complain to the
4 county.

5 MR. SUN: May I add a comment?

6 MR. PAYLOR: You certainly can, Simon.
7 Thank you.

8 MR. SUN: Thank you.

9 From this picture -- left of the
10 picture, you can see a stream. That's trench on my
11 lot. It wasn't there, but it's made by the flood from
12 the water behind it. So it's a -- the trench, it's
13 about two-and-a-half feet deep there dividing my lot
14 into two part. Divide my lot into two part.

15 My lot, right now, even you now to go
16 there to check it out, it's still there. And I am
17 free (indiscernible) somebody maybe even go there or
18 maybe fall in there, and very dangerous. Okay.

19 That's because of flood. And it's a flood that
20 changes a route -- direction. Like Larry said, into
21 two part. One to my lot right there, and -- yeah,
22 right there. Do you see that? That's a left branch.

23 Go to my lot and divide the two lot. So
24 that's a trench that you can go very deep. And push
25 away. Push all the dirt out of the -- from my lot to

1 the street. And even the last summer, the storm
2 season, out on the street. A lot of dirt because the
3 water push all the dirt into the street.

4 MR. LIU: Good point.

5 MR. PAYLOR: Yeah. Simon, thank you so
6 much for sharing that and making the time to gather
7 the image set Larry presented and this graphic here.
8 I appreciate that. That helps me.

9 MS. WANG: Can I make a comment?

10 MR. PAYLOR: Yunchun, sure. Thank you.

11 MS. WANG: Yeah, I'm the wife of Simon.
12 So it's about the walkway to the metro. Actually,
13 maybe save (indiscernible) the October 11th comment in
14 front of Montgomery planning department. In the third
15 paragraph, the right -- they said right there, this is
16 no current plan for that. They had some plan in 2000
17 -- the second graph we had. They had some plan in
18 2013, but because of the storm and the
19 (indiscernible), you know, garage had impact on the
20 project.

21 And the (indiscernible) intersection.
22 So if at that time, about 80 years ago, they already
23 (indiscernible) so how come now they won't? So yeah,
24 you can say (indiscernible) you know, too fast to the
25 metro. (indiscernible). And also, they said to make

1 (indiscernible) from the Holdridge to, you know, like
2 a Glenmont -- actually, they're already to there.
3 It's like they have found (indiscernible) very short
4 block.

5 Why they need -- now that you can see
6 this right triangle, why you make another one.
7 Doesn't make sense. Like Larry said, this is
8 assumptions, not a plan. They don't have according to
9 plan. And also, (indiscernible) yeah, maybe to -- you
10 know, to let the county use to build a -- between the
11 two houses and to build a walkway. There's no, you
12 know, impact. They're already precluding. That's in
13 their (indiscernible). That's their word. I didn't
14 change the word.

15 MR. LIU: Can I say something?

16 MR. PAYLOR: Thank you, Yunchun. Is
17 this Larry?

18 MR. LIU: Yeah. You see here in the
19 presentation, there is a little -- a walkway from the
20 other end of the (indiscernible).

21 MR. PAYLOR: Yes.

22 MR. LIU: It's a walkway from -- to the
23 metro. So it doesn't make sense to build another
24 little walk. From here, it's a long way. It's twice
25 as much as this one from here to here. I think it

1 does make sense to make a walkway through here and
2 build a walkway all the way to metro. That's very
3 nice. I give you this suggestion, but I charge you
4 for this, okay? Yeah, it's very nice.

5 MR. PAYLOR: Thank you, Larry. I
6 believe Nicole had asked to talk about her perspective
7 on the Glenmont master plan. Nicole?

8 MS. MARVILLE: Hi. Yes, sorry. The
9 Glenmont Civic Association, which I was a part of and
10 was part of the Glenmont master plan planning, that
11 pond is not necessarily always going to stay there.
12 You can't see it on Larry's picture right there, but
13 if you looked just to the top of that path is a huge
14 field. That has already been sold, and it will soon
15 be some kind of retail or housing and/or both. So
16 when they do that field to the top of that path --

17 MR. LIU: Right here?

18 MS. MARVILLE: -- they're already going
19 to have -- yes, right there.

20 MR. LIU: Okay.

21 MS. MARVILLE: So I don't even know if
22 that path is still going to exist after they do that
23 construction.

24 MR. PAYLOR: Okay. Thank you.

25 MS. MARVILLE: You're welcome.

1 MR. PAYLOR: Yeah, I see that. Okay.

2 All right. Does anyone else wish to
3 speak on this abandonment case?

4 MS. MCCRAY: No additional requests are
5 in the comments.

6 MR. PAYLOR: Okay. No more comments?

7 I'll give us a few more moments to get
8 out any last comments or thoughts that we have, and
9 then we'll move forward.

10 MS. WANG: Can I have a guess. For the
11 pond there, if you can see from the pictures, all the
12 flooding area, I already guess, you know, this pond
13 there is to protect in the flood in the situation of
14 -- it'll protect the metro station not be, you know,
15 like flooded. That's my guess. So I see the planning
16 may be to the metro, and even the pond might be
17 necessary. That's what my guess, you know, for the
18 purpose of flooding because see the area is quite
19 flooding. So without the pond if it's bigger, it even
20 goes that way to the metro area.

21 MS. MARVILLE: I can actually testify on
22 the pond. I use the metro to get to work five days a
23 week, and I walk by it five days a week, and it very
24 rarely has any water in it, unlike the rest of the
25 neighborhood. So I agree with part of this

1 presentation that that right-of-way was designed
2 before our neighborhood changed.

3 We personally, as homeowners, just had
4 to spend a ton of money to have our yard swelled to
5 keep the water from coming in our -- and, you know,
6 we've been here for 12 years. We've never had that
7 before.

8 I think that's part of Montgomery
9 County's 2050 Thrive as well is to reexamine our storm
10 and waterways. Whether this is abandoned or not, it
11 does need to be addressed.

12 MR. PAYLOR: Yeah. Larry?

13 MR. LIU: Hello?

14 MR. PAYLOR: Larry?

15 MR. LIU: For me, it's very strange. As
16 Nicole said, I observe this pond. It is eight feet
17 deep, but it's very dry.

18 MR. PAYLOR: Dry pond.

19 MR. LIU: It's very dry. The water
20 never run into the pond; it run into my lot. I don't
21 understand. So what it needs to do is cut this a
22 little bit, make some pipes so that the water will run
23 to the pond rather than go this way. (indiscernible).
24 As Nicole and myself, all of us at this -- you see,
25 from the picture, you see, the pad is a green color,

1 which is very nice grass. Here, this side, I tell you
2 that this side, every time you go there, it's full of
3 water. I try to take picture, but it doesn't show the
4 water. It just show on the top of the water, there's
5 some water plants that cover. There's some water
6 plant cover; do you see this? This here. Look at
7 this picture.

8 MR. PAYLOR: Yeah. Yes.

9 MR. LIU: You see, it's 95 -- 365 days a
10 year, the water stay there, okay? I don't understand
11 why the water stay there and not running into the
12 pond. It's so confusing. I think we need to do
13 something. The first we need to do is abandon the
14 right-of-way. That's -- if you do that, it would be
15 -- solve all the problem.

16 MR. PAYLOR: Thank you, Larry. Thank
17 you, Simon.

18 MR. LIU: Okay.

19 MR. PAYLOR: If there are no more
20 questions or comments, you know, I certainly
21 appreciate you all joining the call and offering your
22 comments and testimony. And based on the fact that
23 I'm not hearing any request for additional comments or
24 testimony, I'm declaring this hearing closed. Be
25 reminded that the record will remain open until

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1 October 28, 2021, 5:00 p.m. to accommodate any
2 additional comments for the record. And those
3 comments and any other correspondence may be addressed
4 to Ms. Tiara McCray, Montgomery County Department of
5 Transportation, 100 Edison Park Drive, Gaithersburg,
6 Maryland 20878. And again, thank you all for your
7 participation, and this hearing has now ended.

8 (Proceedings concluded at 2:40 p.m.)
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CERTIFICATE OF TRANSCRIBER

I, Diana Corrado, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Diana Corrado

2021-10-26

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, MERINDA EVANS, the officer
before whom the foregoing deposition was taken, do
hereby certify that said proceedings were electronically
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outcome.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal this 26th day of
October, 2021.



Merinda Evans, Notary Public
for the State of Maryland

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